

1 **UNITED STATES DISTRICT COURT**  
2 **CENTRAL DISTRICT OF CALIFORNIA**

3 JAMES WESLEY CARTER, )  
4 individually and on behalf of a class )  
5 of similarly situated persons, ) Case No. 5:15-cv-01531-MWF-JC

6 Plaintiff, ) Hon. Michael W. Fitzgerald  
7 )

8 vs. )  
9 )

10 SHALHOUB MANAGEMENT ) **ORDER DISMISSING INDIVIDUAL**  
11 COMPANY, INC., DESERT GATE ) **CLAIMS UNDER COUNT II AND**  
12 MANAGEMENT, LLC, ) **COUNT III OF SECOND**  
13 DNR MANAGEMENT, LLC, ) **AMENDED COMPLAINT**  
14 DNS2 MANAGEMENT, LLC, )  
15 SHALHOUB MCDONALD'S, )  
16 RICHARD AND DALE )  
17 SHALHOUB FAMILY TRUST, )  
18 RICHARD M. SHALHOUB )  
19 and )  
20 BACKGROUNDCHECKS.COM )  
21 )

22 Upon consideration of the parties' request, it is hereby ORDERED as  
23 follows:  
24

25 1. Pursuant to the parties' stipulation and Fed. R. Civ. P. 41(a)(1)(A)(ii),  
26 the individual claims asserted by Plaintiff under Counts II and III of the Second  
27 Amended Class Action Complaint ("SAC") (Doc. 41) are dismissed with  
28 prejudice.

2. The dismissal of Counts II and III is expressly without prejudice to  
and shall have no effect or impact upon the Plaintiff's class claim alleged in Count

1 I of the SAC on behalf of a putative class of employees or applicants for  
2 employment at the Defendants' restaurants. The Court has been notified that the  
3 class claim has been settled in principle and that the class settlement will be  
4 documented and presented to the Court for preliminary approval prior to  
5 September 12, 2016 (Doc. 56).  
6

A handwritten signature in black ink, reading "Michael W. Fitzgerald". The signature is cursive and fluid, with the first name "Michael" and last name "Fitzgerald" clearly legible.

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9 Date: August 12, 2016

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MICHAEL W. FITZGERALD  
United States District Judge